FILED

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GABRIEL CROSTHWAITE-MONTOYA,

Defendant.

Criminal Case No. 08-MJ-0935-WMC

ORDER OF DETENTION ON DEFENDANT'S WAIVER OF BAIL PENDING REMOVAL

In accordance with the Bail Reform Act of 1984, 18 U.S.C. § 3142(f), a detention hearing was scheduled for April 1, 2008, to determine whether defendant, Gabriel Crosthwaite-Montoya, (the "Defendant") should be held in custody without bail pending trial and, if convicted, sentencing in the above-captioned matter. Assistant U.S. Attorney Fred Sheppard appeared on behalf of the United States. Attorney David Baker appeared on behalf of Defendant.

At the hearing on April 1, 2008, Defendant knowingly and voluntarily waived his right, on the record and in the presence of counsel, to the setting of bail and a detention hearing. Based on that waiver, the Court orders that Defendant be detained pending trial and, if convicted, sentencing in these matters, without prejudice or waiver of Defendant's right to later apply for bail and conditions of release, and without prejudice or a waiver of the right of the United States to seek detention in the event of an application by Defendant for such relief.

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ORDER

IT IS HEREBY ORDERED that the Defendant be detained pending trial and, if convicted, sentencing in these matters.

IT IS FURTHER ORDERED that the Defendant be committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The Defendant shall be afforded reasonable opportunity for private consultation with counsel.

While in custody, upon order of a court of the United States or upon the request of an attorney for the United States, the person in charge of the correctional facility shall deliver the Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding or any other appearance stipulated to by defense and government counsel.

This order is made without prejudice to modification by this Court and without prejudice to the Defendant's exercise of his right to and a detention hearing at a future date.

IT IS SO ORDERED.

Dated: 4/2/08

Honorable William McCurine, Jr.
United States Magistrate Judge